G. R. S. IX-5]

Previous references.

File No. D4-18

Serial Nos. 2624 3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2624380

Part B for March 19

SUBJECT.

Food Supply arrangements.

Telegram

(C262) Re Food Contr.

No. 30579, 1-2-19.

Brings to notice that large stocks of grain are accumulating in the Frontier Villages of Certain Talukas of the Shenoga District, and requests that the existing rules may be amended so as to prohibit movement of grains into villages within 40 miles of the British border.

(C380) do. Re same

No. G/19492 of 5-3-19

Quoting Nos. = No. G/17538 of Feb 19 regd 5 in C 299 and states that large stocks of grain are found stocked underground in the 40 mile area where action may be taken to command them. Wires brought their crop outside the State

G. R. S. III—1] 191

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 134

FILE HEADING.

From

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

G. R. S. III-2)

General and Revenue Secretariat.

P. File No. 124 of 1918.

Serial No.

for the transport of certain food grains

The Rules issued with Govt Notn no G 9337/ D.P 134-18-21 23rd Nov 1918 (Appendix II to G.O. of the 25th Nov 1918) have since been modified in the following orders -

G.O. No G 12920-70/D.P 134-18-158 1.1

& G 15031-44/D.P 134-18-21-1

A draft formal notn publishing the modifications is submitted herewith

3/2/19

Letter no 3060 of 1.2.19 from Food Controller suggesting that a notn publishing the modifications be issued

From the Food Controller no 3057 of 1.2.19.

Brings to notice that large stocks of grains are accumulating in the frontier villages of certain Dts in the Sheikhupura Dn & requests

G. R. S. III-2

General and Revenue Secretariat.

P.S. File No. 824 of 1918.

Serial No.

[illegible existing rules ...
be amended so as to p
[illegible] movement of fo
with villages within 10 mi
of the British border.

Before issuing notifi
-cation as suggested - i
is proper for consideration
whether the Rules under
Defence of India Regn empo
Govt to prohibit transpo
foodgrains from one place
another within the State -
-ries of the Defence of Ind
Rules connected up in order
to put up.

Mg
5/2/19

2. May the Govt Advoca
be consulted?
4/2/19

3. Yes + to get draft of rele
a rule maybe drafted to empower
to issue rules to control the movement
foodgrains within the State.

G. R. S. III-2.

General and Revenue Secretariat.

P.P File No. 134 of 191 .8

Serial No.

To
the Government Advocate for
records. A draft rule may also
be suggested empowering Govt to con
movement of foodgrains within
State -

By order
11.2.918

Asst Secretary to

MS 69/18-19

58489

Rule (d) of sub rule 2 of rule 3 (B) of the rules issued under Regulation I of 1918, provides for prohibiting export of any commodity specified in any notification to be issued by Government except under a license granted by an authority to be specified in the notification. But the notification No. G 9337--P.P134-18-21 dated 23-11-1918, laying down restrictions regarding the transport of - Food grains within the state purports to have been issued in exercise of the powers vested in Government by Sub Rule (2) (a) and (b) of rule 3 B., of the Defence of India Regulation. But sub rule (2) (a) and (b) do not provide for any conditions being imposed on export or transport of any commodity.

So the questions that really arise for consideration are.-

(1) whether sub rule (2) (d) provides for restrictions being placed on trasport of food grains

Serial No.

or other commodities within the state, as word used therein is "Export".

(2) Whether notification No. G. 933 134-18-21 dated 23-11-1918 isuued under sub rule (2) (a) and (b) of rule 3B., has any legal effect as sub rule (2) a and b, do not empower Government to issue any notification restricting any export or transport.

FIRST POINT.

The word "Export" literally means "to carry out or to send for sale or consumption to foreign countries or to send or carry to distant places". If the word is used with reference to any particular locality, it means "to carry outside that locality". If the word is used in the latter sense, it will have the same significance as the word transport and as such will include cases of trasport from one place to another within the state. If, on the other hand, it should be considered to have been used in the extended sense with respect to the state itself, it would not include cases of transport within the state.

It would be better, therefore, to set this question at rest by framing a fresh rule empowering Government to issue a notification to control the movements of food grains within the state.

SECOND POINT

The present notification No.G 9337--p-p. 134-18-21 dated 23-11-18, having been issued under

JD 1233—GPS—60,000—1-12-16—S

General and Revenue Secretariat.

P. P. File No. 134 of 191 .

Serial No.

under sub rule (2), a and b of Rule 3B., cannot, strictly speaking, have any binding effect as sub rule (2) a and b., do not empower Govt. to issue any such notification. It would be better therefore, in issuing further notifications either to merely say "Under sub rule (2) of rule 3 B.," or to specify the particular clause, say (d), or a new clause that should more appropriately be added to the sub rule to remove the anomaly.

A fresh clause (e) may therefore be added to sub rule (2) of rule 3 B., in the following terms.--

3 B.(2)"(e) By notification in the Official "Gazette direct that, subject to such "exceptions or limitations (if any) as "may be specified in the notification, "such commodity shall not be transported "from one place to another within the "state, except under a license granted "by an authority to be specified in the "notification."

Government Advocate.
13th February 1919.

Submitted
14/2/19

Put up a draft
14/2/19

Draft submitted
17/2/19

Approved
17/2/19

The relief might be obtained by leaving out the words "or to specify the particular clause, say (d), or a new clause that should more appropriately be added to the sub rule to remove the anomaly."

17/2/19

G. R. S. III-2.

General and Revenue Secretariat.

IP File No. 134 of 1918-19

Serial No.

Enquiries
Instructions solicited
hcg
24/2/19

Chief Secy

24/2/19

The Dewan Sahib
think a reply might be sent
as follows:—
Govt do not consi-
der that any water is necessa-
Stocks which are found
within the Ten. mile area
may be Commandeered.

2/3/19

Draft submd
hcg
3/3/19

Chief Secy

4/3/19

Issue
hcg
4/3/19

4/3/19

eneral and Revenue Secretariat.

RP. File No. 134 of 191 8.

Serial No. 380

To

The Food Controller

in Mysore

No. G. 19492 of 5.3.19

Invites reference to notn no G 17573 of Feb 19 refd to in Serial 299 and states that if large quantities of food grains are found stocks unnecessarily in the 10 mile belt at the frontier action may be taken to commandeer them to prevent their being outside the Stat

GOVERNMENT OF MYSORE

Revenue Department

OFFICE OF THE FOOD CONTROLLER IN MYSORE.

Camp Harihar,

Bangalore, 30th January 19

My dear Balasundaram Iyer,

Government Order No. G.12920-70-P.P.184-18-158 of the 1st instant withdraws the restrictions on the movement of food grains by road from one place to another within the State except in respect of villages within 10 miles of the British border. As the restrictions were imposed by a notification, is it not necessary to issue a notification withdrawing the restrictions?

There is also a notification prescribing special rules for Davangere. It has to be made clear whether this notificat still holds good or whether it is to be taken as cancelled.

Yours sincerely,

GOVERNMENT OF

Revenue Departmen

57401

OFFICE OF THE FOOD CONTROLLER
IN MYSORE,
Camp Harihar,
Bangalore, 30th January *1919.*

MATTHAN Esq.,

Food Controller in Mysore,

BANGALORE.

To

C. S. Balasundaram Iyer, Esq., B.A.,

Chief Secretary to the Govt. of Mysore,

B a n g a l o r e.

Sir,

I have the honour to state that in the course of my tour in the Shimoga District and also a portion of the Chitaldrug District during the past week, it has come to my notice that pretty large stocks of grains are accumulating in the frontier villages of Sorab, Shikarpur and Honnali taluks and Harihar sub taluk as there is no prohibition against the movement of grains into the 10 mile belt at the frontier. From these frontier villages it is not apparently a difficult matter for merchants and others bent on profiteering to take the grains across the frontier to the Dharwar District where the prices are 50 to 100 per cent higher. I have the honour to request, therefore, that the existing rules may be amended so as to prohibit the movement of grains into the 10 mile belt without the special license of the Amildar. We would then have within the State first an area in which

which movements of grains are free, then a belt to which grain can be taken only under license of the Amildar and then the frontier line across which no grain can be taken except on the license of the Deputy Commissioner.

I have the honour to be,

Sir,

Your most obedient servant,

Food Controller in Mysore.

KJ/AIPH.

G. R. S. VI—G/32]

SUBJECT.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the *191* .

Date of issue 5/3/19

Signed by Mr Jt

Section M 18
File No. 134
Serial No. 780

No. 51992

To

The Food Controller
Ni Ngwe

Sir

With refee to yan ltr no 305-7 G 1st Feb 1919 re-gardng the movement of food grains in areas situated within 10 miles the British frontier, I am directed to ~~state~~ invite reference to Govt Notn no G 7573/P.P 134-18-299 G in

over.

7C0/19 ~~regarding the movement of foodgrains~~ I to state that if large quantities of foodgrains are found & stocked unnecessarily in the 10 mile belt at the frontier action may be taken to Commander then ~~Waziristan~~ to prevent. Their being surreptitiously ~~exported~~ outside the Nakka-

Maveri

4/3/19

Tehsildar

List of enclosure

Copied by [illegible] 5/3

Examined by

WD 86—GPB—60,000—15-11-16